

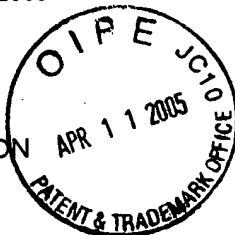


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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/624,983	07/22/2003	Armin Heckel	1/1373

28501
 MICHAEL P. MORRIS
 BOEHRINGER INGELHEIM CORPORATION
 900 RIDGEBURY ROAD
 P. O. BOX 368
 RIDGEFIELD, CT 06877-0368



CONFIRMATION NO. 4832

FORMALITIES LETTER



OC000000015126205

Date Mailed: 02/08/2005

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$400.00 petition fee (37 CFR 1.17(f)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

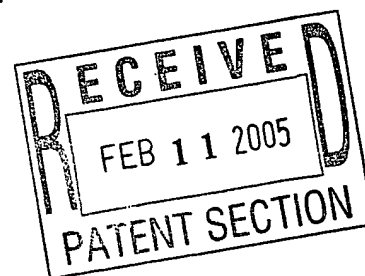
- The specification does not include at least one claim.
A complete specification as prescribed by 35 U.S.C. 112 is required.
- The English translation fee of \$ 130 as set forth 37 CFR 1.17(i) was not paid.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** for English translation surcharge required.

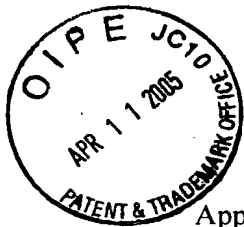
Replies should be mailed to: Mail Stop Missing Parts
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*A copy of this notice **MUST** be returned with the reply.*

Request *W. L. Hayes*
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



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B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Heckel, A. et al.) Art Unit: To be assigned
Serial No. : 10/624,983) Examiner: To be assigned
Confirmation No. : **4832**
Filed : July 22, 2003
Docket No. : 1/1373
For : INDOLINONE DERIVATIVES SUBSTITUTED IN THE 6 POSITION,
THE PREPARATION THEREOF AND THEIR USE AS
PHARMACEUTICAL COMPOSITIONS

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REPLY TO NOTICE OF INCOMPLETE NONPROVISIONAL
APPLICATION UNDER 37 CFR §1.181**

Sir:

In Reply to the Notice of Incomplete Nonprovisional Application ("the Notice") dated February 8, 2005, Applicants submit concurrently to the Office of Petitions a Petition requesting that the Notice be withdrawn and that a filing date of July 22, 2003 be granted for the above-identified application. Submitted herewith is: (1) a copy of the Notice and (2) a copy of the English translation of the above-identified application with a Declaration by the translator.

Remarks

On July 22, 2003, Attorney for Applicants filed, *inter alia*, the following documents: (1) the above-identified nonprovisional application; (2) a Certified Copy of Priority Document DE 102 33 366.1; and (3) a Verified English Translation of U.S. Provisional Application No. 60/403,106 to which the above-identified application also claims priority. Included herewith is a copy of the Return Postcard which is date stamped by the USPTO listing the above items. Item 1, the above-identified nonprovisional application, was filed in the German language. The above-identified nonprovisional application, as originally filed with the USPTO, comprised a specification as prescribed by 35 U.S.C. §112 containing a description pursuant to §1.71 and nineteen (19) claims contained on pages 286-344 of the specification under the section entitled "Patenetansprüche", *i.e.*, "Patent claims". In the Notice of Incomplete

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01-FC-1462-400-00-00
Adjustment date: 04/13/2005 HBIZUNES
04/12/2005 HBIZUNES 00000127 022955 10624983
01-FC-1053-130-00-CR

application did not include at least one claim. Included herewith is a copy of the Notice of Incomplete Nonprovisional Application.

Discussion

Attorney for Applicants respectfully submits that the above-identified application, as originally filed in German, comprised a specification as prescribed by 35 U.S.C. §112 containing a description pursuant to §1.71 and at least one claim pursuant to §1.75. No drawings were required by §1.81(a). Submitted herewith is a copy of the English translation of the above-identified application with a Declaration by the translator, Jane Roberta Mann, stating that the document is a true and accurate translation of the German text corresponding to U.S. Application Serial No. 10/624,983. The translated text contains nineteen (19) claims, as did the German text. Thus, this application met all filing requirements as of July 22, 2003.

Action Requested

Withdrawal of the Notice of Incomplete Nonprovisional Application and grant of a filing date of July 22, 2003 for the above-identified application is respectfully requested.

The surcharge set forth in 37 CFR 1.17(f) for Petitions to the Commissioner is \$400.00. The Commissioner is hereby authorized to charge any fee which may be required, and to credit any overpayment, to Deposit Account No. 02-2955. A duplicate of this paper is enclosed.

Respectfully submitted,



Susan K. Pocchiari
Attorney for Applicant(s)
Reg. No. 45,016

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail in an envelope addressed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on April 8, 2005



By: Susan K. Pocchiari
Reg. No. 45,016